

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Akira KAMAKURA, et al.

Serial No.: 08/901,692

Filed: July 28, 1997



Group Art Unit: 2765

Examiner: H. Kazimi

SEP 13 1999

Handwritten notes and signatures, including "H. Kazimi" and "9-14-99".

For: A MARKETING SYSTEM AND METHOD PROCESSING MARKET INFORMATION
OF CONSUMERS AND DEALERS VIA A NETWORK

REQUEST FOR RECONSIDERATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the final Office Action mailed June 7, 1999, having a period for response set to expire on September 7, 1999. In the Office Action, the Examiner noted that claims 1-14 were pending in the application and were rejected under 35 U.S.C. § 103(a). In rejecting the claims, U.S. Patents 5,664,115 to Fraser and 5,283,731 to Lalonde et al. (References D and B, respectively in the November 26, 1998 Office Action) were cited. Claims 1-14 remain in the case. The Examiner's rejections are traversed below.

Although the same references were used to reject the claims in the November 25, 1998 and June 7, 1999 Office Actions, the comments in the June 7, 1999 Office Action were different from the comments in the first Office Action in several ways. For example, "Official notice" was taken regarding teachings allegedly "well known in the art". In particular, in the last full paragraph on page 4 of the Office Action, it was asserted "that prior approval before browsing information on the network is old and well known in the art" and a similar statement was made in the last paragraph on page 5 of the Office Action. The Examiner is respectfully

requested to cite a reference in support of these statements in accordance with MPEP § 2144.03. Such general assertions of obviousness make it difficult for the applicants to explain why the techniques for prior approval known to the Examiner cannot be easily applied to the systems disclosed by Fraser and Lalonde et al.

In the Response to Arguments on pages 8-10 of the Office Action, there is a response to the argument that no teaching or suggestion for combining the references to require prior approval by the consumer. In the paragraphs spanning pages 9 and 10, it was acknowledged

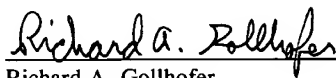
that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

However, the reason given for combining Fraser and Lalonde et al. was that "the teachings of the access status in Fraser, and the prior approval before browsing information on the network, whether you are using it for accessing the buyer or the seller information still meet the 'claimed invention'." This statement does not seem to contain any explanation of "where there is some teaching, suggestion, or motivation" to modify Fraser to incorporate features found in Lalonde et al. Further explanation of what the Examiner finds in the references that provide the requisite teaching, suggestion or motivation is respectfully requested.

In light of the failure to cite a reference supporting the assertions of what is "old and well known in the art" and the lack of explanation of teaching, suggestion or motivation to combine the references, withdrawal of the finality of the June 7, 1999 Office Action is respectfully requested.

Until there is a complete response to the arguments in the March 25, 1999 Amendment, it is submitted that claims 1-14 patentably distinguish over Fraser and Lalonde et al. for the reasons set forth in the March 25, 1999 Amendment. Reconsideration of the claims and an early Notice of Allowance, or at least a new Office Action are earnestly solicited.

Respectfully submitted,
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